

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

R.W., a minor, individually by and)	
Through his parent and natural guardian)	
SARAH WILLIAMS, AND SARAH)	
WILLIAMS, individually,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 05-662-KAJ
)	
THE DELAWARE DEPARTMENT OF)	
EDUCATION et al.)	
)	
Defendants.)	

STATE DEFENDANTS' MOTION TO DISMISS

COMES NOW, the State Defendants, the Delaware Department of Education, the State Board of Education, the Honorable Valerie Woodruff, Dr. Joseph Pika, Jean Allen, Richard M. Farmer, Jr., Mary Graham, Esq., Barbara Rutt, Dennis Savage, Dr. Claibourne Smith, and Ann Case, by and through undersigned counsel, Craig R. Fitzgerald, and hereby Move this Honorable Court to enter an Order dismissing Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. In support of their motion, the State Defendants present an Opening Brief in Support of their Motion to Dismiss filed simultaneously herewith.

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

/s/ Craig R. Fitzgerald
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Dated: October 5, 2005

CERTIFICATE OF MAILING AND/OR DELIVERY

I hereby certify that on October 5, 2005, I electronically filed Motion to Dismiss with the Clerk of the Court using CM/ECF which will send notification of such filing to the following: Patricia McHale O'Neil, Esquire.

/s/ Craig R. Fitzgerald
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